

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2851**

**House Bill No. 2400\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Broadband service" has the same meaning as defined in § 65-5-202;

and

(2) "Broadband service provider" means a price cap carrier that:

(A) Accepted Connect America Fund Phase II funding from the federal communications commission prior to 2016;

(B) Is subject to a broadband buildout requirement mandated by the federal communications commission;

(C) Is subject to federal communications commission performance testing requirements in 2020; and

(D) Provides broadband service to fewer than forty thousand (40,000) customers in this state as of July 1, 2020.

(b)

(1) A broadband service provider shall provide to a consumer of broadband services the stated upload and download speeds that the consumer has paid or contracted to pay to receive from the provider of broadband services.

(2) Except as provided in subdivision (b)(3), a broadband service provider violates subdivision (b)(1) if it fails to provide the purchased or



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contracted upload and download speeds to the consumer at any point during the period of time covered by the consumer's payment or a service contract.

(3) A broadband service provider does not violate subdivision (b)(1) if:

(A) A failure to provide the purchased or contracted upload and download speeds to the consumer is a direct result of a loss, damage, or destruction of broadband services infrastructure due to an act of God, natural disaster, or act of terrorism or other criminal act; and

(B) The broadband service provider fully restores the purchased or contracted upload and download speeds to the consumer within the minimum period of time reasonably necessary to repair the loss, damage, or destruction of the broadband services infrastructure based upon standard industry practice.

(c) A violation of this section constitutes an unfair or deceptive act or practice affecting the conduct of trade or commerce and subjects the violator to the penalties and remedies as provided in this part. The attorney general may assess a civil penalty of at least five thousand dollars (\$5,000) and up to fifteen thousand dollars (\$15,000) for each violation of this section. For purposes of this part, each act in violation of this section constitutes a separate violation of this section. The civil penalties recoverable by this state under this section are supplemental and cumulative to any other available civil or criminal penalties and relief available under other laws and rules, including, but not limited to, those available pursuant to § 47-18-108.

(d) This section is repealed on July 1, 2021.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to the provision of broadband services provided pursuant to prepayments made or service contracts entered into, renewed, or amended on and after that date.